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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



DR. WILLIAM E. MORITZ  
DIRECTOR

SUBMITTED: February 16, 2016

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Elk Regulations and License Quotas  
Wildlife Conservation Order Amendment No. 3 of 2016  
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background:

In an effort to stabilize elk regulations and quotas, reduce confusion, and enhance communications, the Natural Resources Commission and Wildlife Division (WLD) agreed to begin a two-year regulatory cycle in 2014. Accordingly, the WLD recommends that the following changes and quotas remain in place until 2018. This amendment establishes the hunt dates, license quotas, and Elk Management Units (EMUs) for the 2016 and 2017 elk seasons.

*Biological*

A variety of estimates and indicators provide perspective on the status and distribution of the elk population. Data collected and consulted includes trends in harvest, population estimates (estimated during aerial surveys conducted in January of even years), bovine tuberculosis testing results, biological data collected at check stations, reported elk-vehicle collisions, crop and property damage complaints, and observations by Conservation Officers, foresters, and wildlife habitat biologists.

*Social*

Public input gathered through comments and opinion surveys is also consulted when determining recommendation for elk regulations. Maintaining consistent regulations and quotas for two years will aid in evaluating the impact of regulation changes on recreational opportunity, agricultural conflicts, and nuisance control.

*Economic*

The elk herd range is quite small and is concentrated in the northeast portion of the Lower Peninsula. The elk season has a positive economic impact on that region, due to the seasonal influx of elk hunters and elk hunt guiding operations. Visitors also come into the region for elk viewing opportunities during other times of the year. Concentrations of elk herds also have negative economic impacts, such as agricultural damage to crops and landscapes.

*Elk Season Dates and Units*

Elk Hunt Period 1 is designed to target elk outside the core elk range in EMU L before these elk move for the breeding season. This elk hunt period is recommended to be twelve days long, consisting of a four-day hunt in late August, a four-day hunt in mid-September and a four-day hunt in late September. The recommended dates for Hunt Period 1 in 2016 are August 30 through September 2, September 16 through September 19 and September 30 through October 3. This recommendation would retain the same structure for Elk Hunt Period 1 as was established in 2012 and continue with this structure through 2017.

Elk Hunt Period 2 will focus harvest where needed within individual EMUs F and G in the core elk range and allow additional harvest outside the core area in EMU X. The recommended dates for Hunt Period 2 in 2016 are to start on Saturday, December 10 through Sunday, December 18. This recommendation would retain the same structure for Elk Hunt Period 2 as was established in 2012 and continue with this structure through 2017.

The Department also recommends maintaining the option to hold a January harvest, if necessary to address management issues remaining after the earlier hunts conclude. The January hunt period was not used in 2014 or 2015. There are no recommended changes to the January 18 through 21, 2017 dates for Hunt Period 3.

*Elk License Quotas*

Results from the 2016 winter survey provided an elk herd estimate of 1,372 animals. This reflects an increase of the population size that was previously within the population goal range of 500 to 900 animals. Accounting for this increased number of animals and the potential for increased conflicts from future population growth will require an increase of elk license quotas. The Department recommends establishing elk license quotas of 200 per year for the 2016 and 2017 season. The number of permits is recommended to be equally split between the early hunt period and the December hunt period.

The recommended quota of 200 elk licenses is designed to achieve a harvest of approximately 162 elk by state hunters based on past hunter success rates. In addition to animals taken by state hunters drawn in the regular lottery, there will be three Pure Michigan Hunters with elk licenses, and tribal hunting will be allocated in accordance with the 2007 Inland Consent Decree. Depending on future rates of productivity, the expected harvest level of approximately 190 animals per year (which includes elk taken under the state quota, by Pure Michigan Hunt participants, and tribal harvest) is designed to result in a stable or reduced population approaching the elk management goal.

The recommendation for Hunt Period 1 is 100 elk licenses; 30 any-elk licenses and 70 antlerless-only elk licenses. For Hunt Period 2, the recommendation is 100 licenses; 30 any-elk licenses and 70 antlerless-only elk licenses, with 40 licenses in unit F (10 any-elk and 30 antlerless-only) and 60 of the licenses in unit G (20 any-elk and 40 antlerless-only). The recommended maximum quota for Hunt Period 3 is 40. The Director, in consultation with and concurrence of



the Natural Resources Commission, may determine the number and type of licenses available and the Elk Management Units open for Hunt Period 3.

Legal Take


When a hunter violates the law by harvesting an elk using an illegal method or without the proper license or tags, the conservation officer writes the violation citing sections of the wildlife conservation order (WCO) or state statute. To reduce confusion and allow for better enforcement and communication with prosecutors, the Department recommends updating the sections of WCO on taking, tagging, and sealing elk to clearly articulate permissible and prohibited methods. The Department recommends clarifying the taking of an ear-tagged, indicative of an escaped privately-owned elk outside of the normal elk season after the established 48 hour period by an individual with a hunting license to any individual authorized by a Departmental employee. This allows the opportunity for landowners or individuals outside of the hunting season to legally put down elk on a case-by-case basis, and allows the Department to obtain contact information to make arrangements for subsequent disease testing. The Department also recommends requiring that any elk wounded or killed with an improper tag and not recovered must be reported to a Department employee, as well as requiring the licensee to complete the elk hunt information sheet prior to participating in any elk hunting activity.

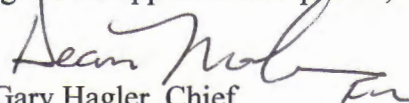
Elk Management Unit L

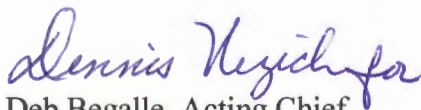
In addition, the Department recommends a slight change to EMU L. The proposed boundary would include the area Northeast of Old State Road and Meridian Line Road in Montmorency County, bounded by Huff Road to the North and Camp 8 Road to the East. This would allow the opportunity for hunters to take elk that gather in this area and tend to cross in and out of EMU L throughout the first Hunt Period.

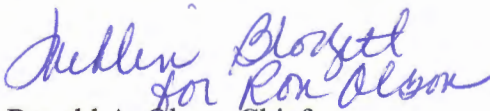
Recommendation:

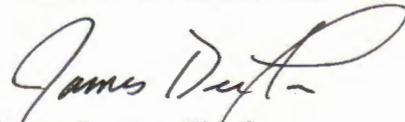
This order is being submitted for information and consideration. This item appeared on the Department's February 2016 calendar and may be eligible for approval on April 14, 2016.

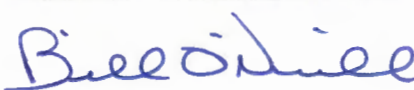
  
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# **WILDLIFE CONSERVATION ORDER**

## **Amendment No. 3 of 2016**

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources by sections 40107 and 40113a of 1994 PA 451, MCL 324.40107 and 324.40113a, it is ordered that effective April 15, 2016, the following section(s) of the Wildlife Conservation Order shall read as follows:

### **3.1 Elk open season, hunt periods; season limit.**

Sec. 3.1 (1) The open season and hunt periods for taking elk shall be as shown in table 1:

Hunt Period	Open Season <del>2014</del> 2016	Open Season <del>2015</del> 2017
1	August <del>26</del> 30 to August <del>29</del> September 2 and September <del>12</del> 16 to September <del>15</del> 19 and September <del>26</del> 30 through September <del>29</del> October 3, in elk management unit "L."	August <del>25</del> 29 to August <del>28</del> September 1 and September <del>11</del> 15 to September <del>14</del> 18 and September <del>25</del> 29 through September <del>28</del> October 2, in elk management unit "L."
2	December 6 10 to December <del>14</del> 18, in elk management units "F," "G," and "X."	December <del>5</del> 9 to December <del>13</del> 17, in elk management units "F," "G," and "X."
3	A total of five days beginning on the Wednesday closest to January 15 for four days thereafter, only in elk management unit(s) where additional harvest is deemed necessary to meet elk management objectives.	A total of five days beginning on the Wednesday closest to January 15 for four days thereafter, only in elk management unit(s) where additional harvest is deemed necessary to meet elk management objectives.

### **3.4 Elk hunt, application and selection procedures; requirements; unlawful acts; ineligible persons.**

Sec. 3.4 (1) Only Michigan residents who will be at least 10 years of age by the first day of the first elk hunt period may apply. A person who is not a resident of Michigan shall not hunt elk in Michigan. A person shall be ineligible to receive a license for more than 1 hunt period.

(2) ~~A person issued an elk license valid for taking a bull elk for the 1994 license year through the 2003 license year shall be ineligible to apply for, obtain, or purchase an elk hunting license for 10 license years subsequent to receiving the license.~~ A person issued an antlerless-only elk license valid for taking an antlerless elk subsequent to the 2003 license year shall be ineligible to apply for, obtain, or purchase an elk license for 10 license years subsequent to receiving the license. A person issued an elk license valid for taking a bull elk on or after February 1, 2004, shall subsequently be ineligible to apply for, obtain, or purchase an elk hunting license.

(3) Eligible residents wishing to participate in the hunting of elk must apply for a license through the retail sales system in accordance with instructions provided by the department. If more applications are received than the number of licenses to be issued, a random weighted lottery will be held for the selection of successful applicants. The director shall establish provisions for the transfer of application success to a youth applicant or an individual with an advanced illness. Notwithstanding the successful applicant selection provisions of this subsection, licensees shall be drawn by region of residence in the same proportion as applications were received.

(4) Applicants shall indicate when making application whether they are willing to harvest only a bull elk or Whether they are willing to harvest any elk. The drawing will first select the applicants who will be licensed to take a bull elk. Then the antlerless-only elk licenses will be drawn; any applicant drawn who has specified "bull only" on their application will be rejected, and another applicant will be drawn.

(5) All successful applicants must participate in a half-day training session the day before the hunt at a location to be determined in the vicinity of the hunt units. Upon completion of this training, each successful applicant will be issued their elk license along with other pertinent information and materials.

### **3.5 Elk licenses, procedures; voiding of selection; transfer of drawing success; unlawful acts.**

Sec. 3.5 (1) ~~Within 2 weeks upon notification by mail of selection in the drawing, the successful applicant shall~~



~~purchase an elk license at any license agent within the state or shall transfer their success in the drawing to a qualified minor hunter or a hunter of any age with an advanced illness. Failure to comply with the purchase or transfer requirements of this subsection shall result in the voiding of the applicant's selection and selection of another individual to receive an elk license.~~

(2) (1) It shall be unlawful for an individual to purchase an elk license unless the individual is a **Michigan resident and** holds a current resident base license and is not licensed under the mentored youth program.

~~(3) (2)~~ It shall be unlawful for an individual who transfers their success in the elk lottery to a minor hunter or a hunter with an advanced illness to assist the minor hunter or hunter with an advanced illness in any manner in taking elk for a fee or other consideration or service of value, either directly or indirectly.

(4) (3) It shall be unlawful for an individual to buy or sell success in the elk license lottery, or an adult to acquire a license after being unsuccessful in the lottery, unless the individual has received from a physician a written statement of advanced illness which shall be produced upon the request of **department personnel or a peace officer**.

### **3.6 Elk hunting, tagging, sealing, requirements; unlawful acts.**

Sec. 3.6 (1) The department shall issue a kill tag as part of the elk hunting license. An individual shall not kill or attempt to kill an elk unless the individual has an valid elk kill tag issued in the individual's name for the elk management units in which the individual is hunting. The licensee must provide the kill tag and elk license to a conservation officer upon request.

(2) **The licensee shall complete the elk hunt information sheet, as directed by the department, prior to participating in any elk hunting activity.**

~~(2) (3)~~ (a) A person who kills an elk shall immediately validate the kill tag by notching out the appropriate areas of the kill tag and shall immediately attach the kill tag to the antler, lower jaw, or gambrel of the elk in a secure and permanent manner. The kill tag shall remain attached to the elk until the animal is registered and sealed by the department.

(b) A person who **attempts to kill or** kills an elk shall clearly mark the kill site and other locations as instructed at the half-day training session. **Any elk that are wounded or killed with an improper tag and not recovered must be reported to a department employee as instructed at the half-day training session.**

~~(3) (4)~~ Within 24 hours of killing an elk and before removing any elk from the area open to elk hunting, a licensee shall ~~take have~~ their animal to the official checking station where a **checked by a department representative, subject to all hunt rules and regulations, with a** confirming seal ~~or seals shall be attached~~ by the department ~~and~~. ~~An examination will be made for such biological or other information as may be desired. The carcass need not be entire, but all parts must be readily identifiable and presented for sealing.~~

(4) (5) Within 2 weeks of killing an elk, a licensee shall take the head of the animal to a department management unit or field office for submission to the department.

~~(5) (6)~~ It shall be unlawful to possess or transport an elk or parts of an elk without a kill tag ~~and or~~ confirming seal attached. A confirming seal shall remain attached to the elk until the conditions in section 3.103(2) are met. A person, corporation, or common carrier shall not receive for transportation or have in possession at the initial billing station the carcass or dead body of an elk more than 48 hours after the closing time when the taking of elk is authorized by law.

(6) (7) It shall be unlawful to take an elk over bait. For the purposes of this section, "bait" means a substance composed of grain, fruit, vegetables, or other food placed to lure or entice elk. This does not apply to standing farm crops under normal agricultural practices or other natural growing grains, fruits, or vegetables.

~~(7) (8)~~ It shall be unlawful for a hunter with an antlerless-only license to take or possess an elk with antlers. It shall be unlawful for an individual to take more than 1 elk per valid kill tag.

(8) (9) It shall be unlawful for an individual to pursue, capture, shoot, kill, chase, follow, harass, or harm an elk while the elk is swimming in a pond, lake, stream, or other body of water.



~~(9)~~ (10) It shall be unlawful for an individual to hunt an elk with a dog.

~~(10)~~ (11) It shall be unlawful to take an elk by any method other than by firearm, bow and arrow, or crossbow.

### **3.8 Elk license quota, hunters restricted to assigned management unit, exception.**

Sec. 3.8. (1) The license quotas for elk hunt period 1, as specified in Section 3.1(1), shall be elk management unit L, ~~15~~ 30 any elk licenses and ~~35~~ 70 antlerless elk licenses.

(2) The license quotas for elk hunt period 2, as specified in section, 3.1(1) shall be:

(a) Elk management unit F, ~~5~~ 10 any elk licenses and ~~15~~ 30 antlerless elk licenses.

(b) Elk management unit G, ~~10~~ 20 any elk licenses and ~~20~~ 40 antlerless elk licenses.

(3) The license quota for elk hunt period 3, as specified in section 3.1(1), shall be no more than 40. The director, in consultation with and concurrence of ~~the chair or vice chair~~ of the natural resources commission, may determine the number and type of license available and the elk management units, as described in chapter XII, open during this season.

(4) An elk hunter shall hunt in their assigned season and elk management unit except elk hunters assigned to hunt in elk management units F or G may hunt in elk management unit X.

### **3.9 Taking of elk marked with visible ear tag identification.**

(1) A department ~~or federal~~ employee or designee may kill an elk that bears visible ear tag identification, if the animal is confirmed by a department or federal employee to have been outside of the perimeter of a registered cervidae livestock operation for more than 48 hours.

~~(2) Elk of either sex that bear visible ear tag identification may be taken by hunting statewide by a person with a valid hunting license, with the exception of an apprentice license, except for elk with radio collars, in compliance with all other laws and rules for the taking of game.~~

~~(3)~~ (2) Any animal taken under this section must be submitted for registration and disease testing in a manner specified by the department.

### **12.504 "Elk management unit L" defined.**

Sec. 12.504 "Elk management unit L" means the area of Alpena, Antrim, Charlevoix, Cheboygan, Crawford, Emmet, Montmorency, Oscoda, Otsego, and Presque Isle counties except for those portions of Cheboygan, Montmorency, Otsego, and Presque Isle counties which create an exclusion area which is defined by a line beginning in Montmorency county at the intersection of Manier road and Old State road (also known as county road 620; in section 12, T30N R01E; located about a mile west of the town of Big Rock), then westerly on Old State road to Meridian road (also known as county road 495) ~~Camp 8 road on the east Otsego county line about 2.5 miles north of the town of Vienna, northerly on Meridian road Camp 8 road past Gibbs road to the end intersection of Meridian Huff road, then westerly on Huff road to Meridian line road (also known as county road 495) on the east Otsego county line about 5 miles north of the town of Vienna, northerly on Meridian line road to the end of Meridian line road~~ at the west side line of section 19, T31N R01E, then north along the west side section line of section 19, T31N R01E (about a half mile) to the northwest corner of said section, then continuing west into Otsego county along the north side section lines of sections 24, 23, and 22, T31N R01W (about 2.5 miles), to Sawdust pile road, southwesterly on Sawdust pile road to Tin shanty bridge road, south on Tin shanty bridge road to the Black river (section 28, T31N R01W) center line, downstream almost six miles along the center of the Black river to Black river trail at McKinnon's bend, westerly on black river trail to old Vanderbilt road, westerly on old Vanderbilt road to Dudd road, northerly on Dudd road to Sturgeon valley road, easterly on Sturgeon valley road to Pickerel lake road, northerly on Pickerel lake road to Fisherman trail in Cheboygan county, northerly on Fisherman trail to Webb road, east on Webb road to Montgomery road, northerly on Montgomery road to Pigeon river road, east on Pigeon river road to the south side section line of section 17, T34N R01W, then east along the said south section line to the southeast corner of said section, then north along the east section line of same said section to Walker road, east on Walker road to Osmun road, north on Osmun road to highway M-68, east on M-68 to Brady road (section 7, T34N R01E), southerly on Brady road to Tucker road (section 17, T34N R02E), east on Tucker road to Center line road



(section 21, T34N R01E), south on Center line road to Buzzels road (section 3, T33N R01E), east on Buzzels road to Black river road (northeast corner of section 2, T33N R01E), southerly on Black river road to Comstock/ Milligan highway (east edge of section 2, T33N R01E), east on Comstock/Milligan highway into Presque Isle county to highway M-33 (section 6, T33N R02E), southerly on M-33 into Montmorency county to Kellyville road (section 2, T30N R02E; located about two miles north of the town of Atlanta), west on Kellyville road to its end, then continuing west on the third correction line forming the north side section boundary of sections 4, 5, and 6, T30N R2E to Manier road, then south on Manier road to the point of beginning.

**12.509 "Elk management unit F" defined.**

Sec. 12.509 "Elk management unit F" means that area of Cheboygan, Otsego and Presque Isle counties bounded by a line beginning in Otsego county, about 3.5 miles due east of the town of Vanderbilt, at the intersection of Sturgeon valley road and Fontinalis road (in northeastern corner of section 30, T32N R02W), then south for less than a mile on Fontinalis road to Old Vanderbilt road, easterly on Old Vanderbilt road to Black river trail (section 31, T32N R01W), easterly on Black river trail to the Black river at McKinnen's bend (section 32, T32N R01W) into the middle of the river, northerly turning easterly along the center of the Black river, to Tin shanty bridge road (section 35, T32N R01W), north on Tin shanty bridge road to Hardwood lake road, west on Hardwood lake road to Twin lakes road (section 10, T32N R01W), northerly on Twin lakes road into Cheboygan county to Osmun road (road name change), northerly on Osmun road to Clark bridge road (section 26, T33N R01W), easterly on Clark bridge road to Black river road (section 27 T33N R01E), northerly on Black river road to Canada creek road (section 22, T33N R01E), southeasterly then easterly on Canada creek road into Presque Isle county on Canada creek highway (road name change), continue easterly on Canada creek highway to highway M-33 (section 29, T33N R02E), northerly on highway M-33 to Milligan highway (section 6, T33N R02E; about 6 miles due south of the town of Onaway), westerly on Milligan highway into Cheboygan county to Comstock road (road name change), west on Comstock road to Black river road (section 2, T33N R0E), north on Black river road to Buzzels road (north side of section 2, T33N R01E), westerly on Buzzels road to Centerline road (section 34, T34N R01E), northerly on Centerline road to the southeast corner of section 21, T34N R01E, then westerly on the south side edge of section 21 to the southwest corner of section 21, T34N R01E, then northerly on the west edge of said section 21 to Tucker road (southeast corner of section 17, T34N R01E), westerly on Tucker road to Brady road (western side of section 17, T34N R01E), northerly on Brady road to highway M-68 (section 6, T35N R01E; about 6.5 miles due west of the town of Onaway), westerly on highway M-68 to Osmusn road (section 1, T34N R01W), southerly on Osmusn road to Walker road (section 11, T34N R01W), westerly on Walker road to the northwest corner of section 16, T34N R01W, southerly along the west side of said section 16 to the southeast corner of section 17, T34N R01W, then westerly along the south edge of section 17 to Pigeon river road (section 19, T34N R01W), west on Pigeon riverroad to Afton Rroad (about 3 miles south of the town of Afton), west and then south on Afton road to the intersection of Webb road and Moline-Aaux road (section 4, T33N R02W; about 1.5 miles due east of the town of wWolverine, where Afton road turns to west and Moline-Aaux continues south), continue south to Lance lake road and then west on Moline-Aux Lance lake road to Trowbridge road (in northeast corner of section 31, T33NR2W), south on Trowbridge road into Otsego county to Fontinalis road (road name change), then south on Fontinalis road to the point of beginning.

Issued on this 14<sup>th</sup> day of April, 2016.

Approved as to matters over which the Natural Resources Commission has authority.

John Matonich, Chairman  
Natural Resources Commission

Approved as to matters over which the Director has authority.

William E. Moritz, Ph.D.  
Director





